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Attorney for Plaintiff Josh Pate

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

JOSH PATE,

Plaintiff,

v.

HOME DEPOT, U.S.A, INC.,

Defendant.

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Case No. 3AN-23-

**COMPLAINT**

Plaintiff, Josh Pate ("Plaintiff"), by and through undersigned counsel files his Complaint against the Defendant Home Depot, Inc. ("Defendant"), and states as follows:

I. **Parties**

1. Plaintiff is over the age of 18 and is a resident of Anchorage, Alaska.
  2. Defendant is a corporation that does business in Anchorage, Alaska.
- and is subject to the Worker's Compensation Act.

## II. Jurisdiction

3. This is a civil action for compensatory and punitive damages as well as for cost and other remedies for losses incurred by Plaintiff as a result of retaliation by terminating Plaintiff after he filed a worker's compensation claim in violation of AS §§ 23.30.020 and 23.30.247. The Superior Court has jurisdiction over this matter pursuant to AS§ 09.05.015.

## III. Facts

4. On or about January 7, 2021, Defendant hired Plaintiff to work as a paint associate.

5. In March of 2022, while working for Defendant, Plaintiff, when picking up paint buckets, injured his back, and reported his injury to his employer.

6. After Plaintiff reported his injury to his employer, his employer tried to stop Plaintiff from filing a Worker's Compensation claim.

7. Immediately after Plaintiff filed a Worker's Compensation Claim, Defendant terminated Plaintiff's employment.

## IV. Causes of Action

### Count 1- Retaliatory Discharge for Filing a Worker's Compensation Claim

8. Plaintiff incorporates by reference the foregoing Paragraphs 1-7.

9. Defendant terminated Plaintiff from his employment in violation of AS §23.30.247.

10. Defendant caused Plaintiff harm by firing him for being injured on the job and filing a worker's compensation claim causing him damages. Plaintiff seeks compensatory and punitive damages for blatantly violating AS §23.30.247.

**Count II- Breach of the Implied Covenant of Good Faith and Fair Dealing**

11. Plaintiff incorporates by reference the foregoing paragraphs 1-10.

12. Plaintiff's employment with Home Depot includes the implied covenant of good faith and fair dealing, which is embodied in every employment relationship entered in Alaska and imposes a duty on Defendant to treat its employees in a fair, equitable, nonbiased, nonretaliatory, and nondiscriminatory manner.

13. Defendant breached its duty when Defendant terminated Plaintiff from his employment immediately after he filed a Worker's Compensation claim as a result of his injuries on the job.

14. As a direct and proximate result of Defendant's wrongful acts and omissions, Plaintiff sustained injuries and damages, including but not limited to loss of earnings and earning capacity; loss of career opportunities; loss of fringe and pension benefits; mental anguish, medical damages, physical and emotional distress; humiliation and embarrassment; loss of professional reputation; and loss of the ordinary pleasures of everyday life, including the right to pursue the gainful employment of his choice.

RELIEF REQUESTED

For all of the foregoing reasons, Plaintiff Josh Pate requests an ad damnum in the amount of 2,000,000 (two million dollars) and demands judgment against Defendant as follows:

**Legal Relief:**

1. Compensatory damages in whatever amount Mr. Pate is found to be entitled;
2. Exemplary and punitive damages in whatever amount Mr. Pate is found to be entitled;
3. A judgment for lost wages and benefits, past and future, in whatever amount Mr. Pate is found to be entitled; and,
4. An award of interest, costs, and reasonable attorney fees.

**A. Equitable Relief:**

1. Whatever other equitable relief appears appropriate at the time of final judgment.

Respectfully submitted,

Dated April 21, 2023:

/s/ Sara L. Bloom

Sara L. Bloom

Alaska Bar No. 1509071

Attorney for Plaintiff